

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PROFESSIONAL CLOCKERY, INC., et al,	:	CASE NO. C-1-00-1019
	:	Magistrate Judge Hogan
Plaintiffs,	:	
	:	
vs.	:	MOTION FOR ORDER OF PROCEDURE
	:	<u>FOR SETTLEMENT CONFERENCE</u>
LI QIUSHENG, et al,	:	
	:	
Defendants.	:	

Plaintiffs hereby moves for entry of an order of procedure for the settlement conference now scheduled for January 27, 2004, at 9:30 a.m. A proposed form of an order of procedure is being submitted herewith as Exhibit A to this motion. The reasons for this motion are stated in the attached memorandum.

Respectively submitted,

s/John B. Pinney
John B. Pinney (0018173)
Trial Attorney for Plaintiffs
GRAYDON HEAD & RITCHEY LLP
1900 Fifth Third Center
P.O. Box 6464
Cincinnati OH 45202
(513) 629-2730
Fax: (513) 651-3836
E-mail: jpinney@graydon.com

MEMORANDUM

This litigation is between an Ohio corporation called Professional Clockery, Inc. and its owner, Robert Crowder, as plaintiffs, and a Chinese national, Li Qiusheng, and a California corporation owned or controlled by him called Classical Clock Company. This case involves both claims and counterclaims which arise out of a commercial relationship between Mr. Crowder and Mr. Li in China that involved a joint venture for the manufacture of reproduction antique clocks to be exported to and sold in the United States. Both sides involve small business persons who have limited resources available to litigate a complex international business dispute.

By agreement made this September, the parties were to participate in a telephonic settlement conference with the Court on October 20, 2003. (The attached letter dated October 10, 2003, sets forth the agreed protocol for such conference.) However, due to a personal issue that unexpectedly arose for defendants' lead counsel, Mr. Overend, the settlement conference was postponed by agreement until December 12, 2003. Plaintiffs expected to proceed with the conference on that day until last week when Mr. Overend advised that he had been informed that he and his firm were being replaced as lawyers for Mr. Li and Classical Clock Company.¹ Plaintiffs have reason to believe and do believe that defendants' action to fire their lawyers was designed to delay these proceedings and avoid participating in the scheduled settlement conference.

Plaintiffs therefore respectfully request entry of an order in the form attached hereto ordering that defendants engage new counsel by January 12, 2004, and participate in the Settlement Conference now scheduled for January 27, 2004. Without such an order, plaintiffs fear that

¹ Mr. Overend's firm is the second California law firm that has appeared for defendants. The first firm, King & Wood, LLP, was replaced by Mr. Overend's firm in March 2002.

defendants will not have engaged counsel and will not be prepared to proceed on January 27, 2004, further delaying these proceedings.

Respectively submitted,

s/John B. Pinney
John B. Pinney (0018173)
Trial Attorney for Plaintiffs
GRAYDON HEAD & RITCHEY LLP
1900 Fifth Third Center
P.O. Box 6464
Cincinnati OH 45202
(513) 629-2730
Fax: (513) 651-3836
E-mail: jpinney@graydon.com

Certificate of Service

I hereby certify that a copy of the foregoing was sent electronically to Jeffrey J. Harmon, Esq., Cors & Bassett, 537 East Pete Rose Way, Suite 400, Cincinnati, OH 45202, and by facsimile and U.S. Mail to William R. Overend, Esq., Reed Smith Crosby Heafey LLP, Two Embarcadero Center, Suite 2000, San Francisco, CA 94111, on this 9th day of December, 2003.

s/John B. Pinney